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## **Abstract**

### **The Legal Framework of the Electronic Contracting Via Electronic Means According to the Saudi Transactions System : A Comparative Study with the Jordanian law**

**Majid Mohammad Naseeb Al-Zahrani**

**Mu'tah University,2011**

This study addressed the electronic contract essence beginning with an introductory chapter defining the electronic contract and its characteristics, and differentiated the electronic contract from other similar contracts within the electronic environment, the study also differentiated the conventional contract from the electronic trade contract, then the study addressed the electronic means used in contracting an electronic contract, among which the most important are the internet and the computer. Process of expressing wish is regarded as the fundamental element for the process of contracting as a whole, and this is completed by exchanging affirmation and acceptance, so the first chapter was devoted for contracting the electronic contract, beginning with the forms and features of expressing wish which emerges within the basic aspect of contract this basic aspect is acceptance, followed by the coincidence of this wish that is represented in the electronic affirmation and acceptance . Since the electronic contract is contracted between a carnally attendant parties but spatially absent, the council of the electronic contract has a great importance regarding defining the time and the place of contracting the electronic contract .

The nature of this contract solicits it to be a distance contract between two contractors, and in order to be contracted correctly, the wish should be announced by a totally qualified person, with no existing of any errors regarding this wish . Finally, the study addressed the electronic contract adjournment and the electronic cause . The result contracting via electronic means is represented by the commitment of the two parties in this contract in implementing this contract. The second chapter of this study addressed the effects of electronic contract, first, the seller's commitment to deliver the sold good or service, and second, the buyer commitment to pay, this process is completed via the electronic broker, and payment is performed electronically which lead to the emergence of new means such as electronic payment, credit cards, and electronic money and checks . The technical and electronic advances for the modern means of electronic communication have allowed contracting with a new type of writing and signing that are characterized by the electronic feature, in addition to the emergence of the electronic scripts (documents) and the prove script, and signing the electronic contract is a condition for its validity, this signature is called the electronic signature , and finally the study addressed the essence and conditions of the prove script .

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(Hackers)

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162

(Payment Gate Way) :

(Card processor Credit)

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(Automated Teller Machine) (ATM) (2)  
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<sup>(2)</sup> (Visa Electron)

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**:Cyber Cash :**

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(Cyber Cash )

<sup>(1)</sup> (Cash Register Merchant's)

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(Cyber Cash )

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**:Mondex :**

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